



APPENDIX.

Section 601 (c) of the Revenue Act of 1932:

“There is hereby imposed upon the following articles sold in the United States by the manufacturer or producer or imported to the United States a tax at the rates hereinafter set forth to be paid by the manufacturer, producer or importer:

(1) Lubricating oils, 4 cents a gallon; * * *.”

Article 11 of Regulations 44, effective June 21, 1932:

“Scope of tax. The tax attaches to all sales of oil of any type commonly or commercially known as lubricating oil or commonly used for lubricating purposes, regardless of the degree to which it has been refined, its range of viscosity, the manner in which the finished commodity has been produced, the material from which manufactured or with which combined, or the purpose for which it is to be sold or used by the vendee. Ordinarily the term ‘lubricating oils’ will be understood not to include a product of the type commonly known as grease.”

Article 11 of Regulations 44, as amended on July 16, 1932:

“‘Lubricating oils’ are all oils sold as such and all oils sold or used for lubrication. A particular oil having both lubricating and non-lubricating uses is taxable unless (1) it is put into a channel of consumption or distribution for a use other than that of lubrication, under a name identifying it for such use, and (2) the manufacturer obtains from the purchaser a certificate to the effect that the oil will be used by the purchaser for a stated purpose other than that of lubrication or resold by him. * * *.”

“Examples of oils not subject to tax when sold (otherwise than as lubricating oil) for purposes other than lubrication, as prescribed in preceding paragraph, are: road oil, cordage oil, agricultural spray oil, cotton

softener oil, ink oil, medicinal white oil and oil used as a component material in the manufacture of non-taxable oils, paints, insecticides, soap stock, grease, etc.

“The term ‘lubricating oil’ does not include products of the type commonly known as grease. Oleaginous substances are classed as grease and not subject to the tax only if (1) of a work consistency of less than 390 penetration units or a non-work consistency of less than 360 penetration units by the method of test of the American Society for Testing Materials D21727T and (2) free from oil or comprising oil and a soap or a mixture of soap or of soap and other substances.” (T. D. 4339).

Article 11 of Regulations 44, as amended in 1934:

“Use of term. Term ‘lubricating oil’ as used in these regulations includes all oils, regardless of their origin, which are sold as lubricating oils and all oils which are sold or used for lubrication.”

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